THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

W.P. NO. 24210 of 1997

DATED: 02-03-2007

Between:
Moru Narasimha Rao s/o Krishna Murthy, aged 40 years, R/o Deyyamadu, H/o Chintapadu village, Mandavalli Mandal, Krishna District.

…PETITIONER

And

The Revenue Divisional Officer, Gudivada, Krishna District and two others.

….RESPONDENTS

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O R D E R

No representation on both sides.

This writ petition was filed in the year 1997 seeking a writ of Mandamus to declare the action of the respondents in trying to demolish the structures covered by Door No. 3-71-1 in R.S. No. 7, in Deyyamapdu village, H/o Chintapadu village, Mandavalli Mandal, Krishna District as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the petitioner is the owner of the land in R.S. No. 7 admeasuring Ac. 0.20 cents in Deyyampadu, H/o Chintapadu village, Mandavalli Mandal, Krishna District and the same was purchased by registered sale deed dated 17.2.1992 from one Alimilli Durgaiah and Subrahmanya Trimurti. It is stated that structures are existing on the said land including a residential house, rice mill and packing shed for fish and the same were assessed to tax by the Gram Panchayat and Door No. 3-71-1 was assigned to the said structures. It is the grievance of the petitioner that for the purpose of road widening his part of portions were sought to be demolished otherwise than by due process of law, and, without notifying the land under Land Acquisition Act.

At the stage of admission of the writ petition, this Court granted interim orders for stay of demolition as early as on 25.09.1997. The said interim order continued all along. Though the writ petition is of the year 1997, no counter affidavit is filed on behalf of the respondents.

It is stated that the structures in Door No. 3-71-1, covered by R.S.No. 7 are in private patta land purchased by the petitioner under registered sale deed. In that view of the matter, even if the said private property is required for any public purpose including the purpose of road widening, the same can be acquired only by issuing notice under the provisions of the Land Acquisition Act and calling for his objections, if any, or otherwise with the consent of the petitioner.

In that view of the matter, I dispose of the writ petition directing the respondents not to deprive the petitioner of his property covered by the structures bearing Door No. 3-71-1 in R.S. No. 7, without due process of law. It is made clear that if the said property is required for any public purpose, it is open for the respondents to take steps in accordance with law for acquisition. In case, the petitioner is in encroachment of any road margin, it is equally open for the respondents to take steps in accordance with law.

Subject to the above directions, the writ petition is disposed of. No costs.

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R. SUBHASH REDDY, J

Dated: 02-03-2007

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